

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JANUARY 12, 2011 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
Ryan Thum, Secretary
Joel Donahue, Member
Walt Haynes, Member
Malvin Wells, Member
Robert Miller, Member
John Tuttle, Member
John Muffo, Board of Supervisors Liaison
Marty McMahon, County Attorney
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Jamie MacLean, Development Planner
Brea Hopkins, Planning & Zoning Technician

Absent: William Seitz, Member
Frank Lau, Member

APPROVAL OF AGENDA:

On a motion by Mr. Miller , seconded by Mr. Haynes, and unanimously carried the agenda was approved.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Miller, seconded by Mr. Wells, and unanimously carried the consent agenda was approved.

PUBLIC ADDRESS:

Mr. Rice opened public address; however, there being no speakers the public address was closed.

PUBLIC HEARING:

A request by William Mark King, II & Carolyn D. King for a special use permit on 7.217 acres in an Agricultural (A-1) zoning district to allow a contractor's storage yard. The property is located at 3070 Seven Mile Tree Road and is identified as Tax Parcel No. 104-1-12 (Acct # 023225) in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

Mr. Rice introduced the request.

Mrs. MacLean presented maps, video, and photos of the property. The applicant is requesting a contractor's storage yard to allow an excavation business. Customers do not visit the site. The business generates approximately four (4) trips per day and thereby does not require 527 review. VDOT has indicated no entrance upgrades would be necessary at this point. The site is served by PSA water and private septic. The property lies within a Rural area of the comprehensive plan. The King's residence is located on the property. There is an existing garage and two storage trailers that are used for Boy Scout activities. A notice of violation was issued for the contractor's storage yard. The owners resolved the violation in a timely manner and have submitted the application for a special use permit. There is an existing mature evergreen screen on the property and a fence has been constructed to complete that screen. The applicants do not anticipate the business growing beyond four (4) employees. They do anticipate two (2) additional storage structures to be constructed; however, that is not within the immediate future and would not exceed 1200

sq. ft. There are not changes to the lighting proposed. A couple of adjoining owners contacted the office and one letter was received immediately prior to the meeting.

Mr. Rice opened the public hearing.

Mr. King stated that he had some concerns about the staff condition limiting hours to 9 pm. He stated that there may be very few instances, such as if there is inclement weather, when equipment would need to be moved after 9:00 pm. He noted he made all attempts to be in compliance and was not aware a special use permit was required.

Ms. Candi Harris, 3054 Seven Mile Tree Road, stated she is the current occupant of property owned by Ms. Cupp and is most affected by the request. Concerns include trash and debris creating areas for rats and snakes to habit, previous storing of port-a-johns which caused odor issues, and various businesses that have operated on the property over the years. She noted that a fence has been erected to help mitigate the visual impacts of the business and trash blowing onto the property. Noise from the business is also a concern and the area property values could decline. She requested the Planning Commission consider these issues prior to approving a permit.

Mr. King stated the port-a-johns placed on the property were related to the Boy Scout operations and were empty. They have been relocated. Diesel smells and noise comes from the interstate. There were never any complaints until now and there have never been rodent issues at the dwelling on the property.

Ms. Jenkins stated a complaint was received which prompted the investigation.

Mr. King submitted a petition of support. According to Mr. King, approximately 90% of neighbors were contacted and no objections were received. He noted he used to have a licensed vending business; however, that business is no longer in operation. All machines and business related equipment have been removed.

Mr. Tommy Reynolds, 1801 Mud Pike, stated he was the owner of a vacant lot that is currently for sale. He noted he was unsure of the exact location of the proposed storage yard; however, he would not want to build a house next to the proposed business.

Mrs. MacLean discussed the location proposed for the equipment yard.

Mr. Ken Kingrea, 3429 Mud Pike, stated his son was the owner of an adjacent lot. They are considering building on that property at a later date. He stated consideration needed to be given to future expansion of the business that may be visible from Mud Pike.

Ms. Harris noted the dwelling she lived in was elevated from the interstate so there is very little noise from that traffic.

There being no further comments, Mr. Rice closed the public hearing.

Mr. Rice asked if port-a-johns would be permitted on the property.

Ms. Jenkins stated there are items relating to Boy Scouting activities stored on the property. The porta-johns are not relating to the contractor's storage yard and it may not be possible to enforce their removal since they are related to the scout activities. It may be possible to restrict their location for storage.

Mrs. Maclean stated the request is for the location of the storage yard and would not exceed the proposed parameters. The plan indicates the limit of the storage yard.

Mr. Miller stated he was concerned when reading the letter from the adjoining owner; however, he did not realize the adjoining owner had never complained up to this point. The Phillips property is held in trust and at some point will have some form of development. Concerned that anytime a business is placed in an agricultural or rural area it will support further development that may not be desired. He noted he would abstain from voting since he owned property within a close proximity.

Mr. Haynes noted a similar request was recommended for denial on Mud Pike. It is important to be consistent with decisions and recommendations.

Mr. Rice stated conditions would provide plenty of protection for adjoining owners. There is a need for businesses to keep equipment.

Mr. Thum stated with the proposed conditions any impacts on adjoining properties have been mitigated. An extension of the vegetative buffer behind the Cupp property may be necessary. The applicant has installed the fence in good faith and worked hard to mitigate impacts to adjoining owners.

Mr. Donahue stated the recommended condition regarding impacts of noise, odor, etc. is too vague. It should be more explicit.

On motion by Mr. Thum, seconded by Mr. Wells and carried by a 5-0-2 (Haynes and Miller abstained) vote the Planning Commission recommended approval of the request by William Mark King, II & Carolyn D. King for a special use permit on 7.217 acres in an Agricultural (A-1) zoning district to allow a contractor's storage yard with the following conditions:

1. This special use permit authorizes use of the property for a contractor's storage yard and shall conform to the Site Plan included within application materials submitted October 28, 2010. No retail sales of any nature shall be permitted on the property.
2. No more than four (4) employee vehicles, associated with employees of the business who do not reside on the premises, shall be parked on the property at any given time.
3. The contractor's storage yard shall not be open to the public and shall create no exterior impacts including noise, vibration, glare, odors, or electrical interference, beyond limits allowed in Montgomery County Code.
4. Equipment and vehicles stored on the property shall be in good working condition at all times and shall be owned or leased by the property owner or property owner's excavation company. No more than fifteen (15) pieces of said equipment and/or vehicles associated with the business shall be on the property at any given time.
5. Hours of operation shall be limited to 6:00 am through 9:00 pm except for snow removal preparation and/or periods of inclement weather.
6. No trash, litter or debris shall accumulate or be stored on the property.
7. There shall be no outdoor storage of materials, tools, etc.
8. Storage of all excavation equipment and machinery shall be screened from view of adjacent properties.
9. Any lighting installed on the property shall be dusk to dawn, shielded fixtures to avoid glare onto adjacent properties and night sky, and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
10. A buffer shall be maintained consisting of mature evergreen vegetation and existing privacy fence, on the south, west, and northern boundaries, as shown on the 2008 Montgomery County Aerial Photography and concept plan dated October 28, 2010 (aerial photo map attached). Replacement of buffer, if necessary, shall be completed within thirty (30) days (season permitting). Tree size associated with replacement of existing evergreen buffer shall be in compliance with zoning ordinance requirements.
11. A natural vegetative buffer shall be provided, consisting at a minimum of one row of White Pine (or equivalent evergreen screening tree) with a minimum of eight (8) trees, equal space apart, on the eastern boundary of the property to mitigate possible negative effects on the view shed for Interstate I-81, and property identified as tax map 105-A-16, account # 014448 (eastern boundary buffer map attached). Trees shall be a minimum of 6' tall at planting, and plantings shall be completed by May 15, 2011.

Mr. Haynes stated he had abstained from voting due to in-decision. There is a need for these businesses; however, it is not desirable to have it in your back yard.

An Ordinance amending Article IV, Chapter 8 entitled Subdivision of the Code of the County of Montgomery, Virginia, Sections 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, 8-173, 8-174 and 8-201, respectively, by amending the definition of remainder, family subdivision and subdivision major; by requiring additional fees for

the review of plats; by requiring planning commission and board of supervisor approval of exterior boundary line changes that could result in additional lots; by decreasing the amount of surety for bonding subdivision improvements; by requiring VDOT review and approval of any plat showing a private access easement serving more than two lots; by requiring where private on-site sewage disposal systems in family and minor subdivisions may be located; by amending when a subdivision does not require a survey and what information is required on the sketch which is provided in lieu of the survey; by increasing the number of copies of a preliminary plat to be submitted and by adding additional information to be noted on preliminary and final plats; by increasing the time period a preliminary plat is valid; by requiring the submission of a digital copy of the final plat; and by incorporating the county street naming policy into the subdivision ordinance.

Mr. Rice introduced the request.

Mrs. MacLean discussed the proposed changes to the subdivision ordinance. These amendments were reviewed at the last meeting. Amendments include: define "family", clarify major subdivision requirements, incorporate street naming and signage fees, require planning commission approval for exterior boundary line adjustments to major subdivision, reduce surety bonding per state code, require VDOT approval for easements serving 2 or more tracts, require the location of septic systems to be specified, clarify survey and sketch requirements, enforce street naming policy and minor changes to plat requirements.

Mr. Miller spoke in regard to correspondence received from Gay & Neel, Inc. and noted it is necessary to protect conservation easements.

Mr. Sandy confirmed that staff could verify if a conservation easement was onsite and explained why the septic field requirements were different between major and family/minor subdivisions.

Mr. Rice opened the public hearing.

Mr. Ralph Clements, Gay & Neel, stated that as of the date research is conducted all conservation easements can be determined; however, if the easement is recorded during the process it may not be known. He expressed his appreciation for the opportunity to comment on the proposed changes.

There being no further comments the public hearing was closed.

Mr. Rice discussed the twenty acre vs. fifty acre requirement for remainders. If farmer has 45 acre tract and wanted to divide 1 acre for family subdivision then all 45 acres would have to be surveyed, it seems like a burden to the owner.

Mr. Miller noted that any acreage requirement will be arbitrary.

Mr. Thum stated he did not want to create a financial burden on property owners. A 30 acre increase is too much.

Mr. Rice asked if a survey of the road frontage could be performed to verify other requirements are being met.

Mr. Clements stated it could be done. He noted if larger surveys were required, the records of the county would be more accurate.

It was the consensus of the Planning Commission to advertise the proposed subdivision amendments and to use 35 acres as a basis for surveying remainder tracts.

OLD BUSINESS:

None

NEW BUSINESS:

2010 Annual Report

Mr. Sandy stated the annual report was available and would be forwarded to the Board of Supervisors. This is a combination report for the Department, Planning Commission, and Board of Zoning Appeals. If there are any comments please submit them to staff.

2011 Work Program

Mr. Sandy presented the 2011 Work Program. He discussed the major and ongoing projects including, the UDA grant, redistricting, and LDO implementations. The work program will be forwarded to the Board of Supervisors.

WORKSESSION:

LIAISON REPORTS:

Board of Supervisors

Mr. Muffo stated the Board of Supervisors appointed Jim Politis as Chairman.

Agriculture & Forestal District

No report.

Blacksburg Planning Commission

No Report

Christiansburg Planning Commission

Mr. Rice stated the Christiansburg Planning Commission discussed historical districts and scheduled work sessions due to new membership.

Economic Development Committee

No report.

Public Service Authority

Mr. Wells stated the PSA met and adopted agreement with Christiansburg for water and sewer.

Parks & Recreation

No report.

Radford Planning Commission

Mr. Miller stated he attended the VDOT presentation regarding the proposed Tyler Ave and East Main Street routes. The first phase is funded and ready to begin. The project is anticipated to open additional development opportunities.

School Board

No report.

Transportation Safety Committee

Mr. Wells stated the committee met and discussed VDOT snow removal. The contractors are working well. There is a problem area on 603 N. Fork Road with tractor trailer traffic. Three (3) tractor trailers have overturned. The bridge on Alleghany Spring is going to be replaced and will be closed for five (5) days. There was also brief discussion regarding a third lane up Christiansburg Mountain which will require the replacement of two (2) bridges.

Planning Director's Report

None

There being no further business the meeting was adjourned.